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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/900,337 | 07/06/2001 | Jean-Luc Bonifas | PHFR 000073 | 4942 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

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| EXAMINER |
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KIM, KEVIN

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| ART UNIT | PAPER NUMBER |
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2638

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------------|--|
| Office Action Summary | Application No. 09/900,337 | Applicant(s) BONIFAS, JEAN-LUC | |
| | Examiner Kevin Y. Kim | Art Unit 2638 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7, 8, 10-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 8, 10-13, 16 is/are rejected.
- 7) ☒ Claim(s) 7 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant amended claims 3 and 11 such that the claims includes the subject matter of (now cancelled) claims 6 and 14 indicated allowable, if combined with base claims, in the previous Office action. Upon a review of the cited prior art reference, however, the feature “a control means for preventing the transmission of certain frames of primary data, especially those whose priority level is low” is also described in the Driessen et al patent, as set forth below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 2,3,10,11 and 16 is rejected under 35 U.S.C. 102(e) as being anticipated by Driessen et al (US 6,850,559).

Claims 3, 11 and 16.

Driessen et al discloses a transmitter (110) and method of generating frames (111) of digital data and transmitting the frames to a receiver after applying forward error correction, see Figs.1 and 2, comprising;

attributing (220) a priority level to each of the frames, see col. 6, lines 35-38,

adding redundancy data packets (230) to the frames, see col.7, lines 3-7, wherein;

the quantity of the redundancy data packets is a function of the level of the priority of the frame, see col. 2, lines 4-11, wherein;

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the assignment of the priority/significance level to a frame/subunit involves a two-step process of identifying the type of data in the frame/subunit, see col.6, lines 55-60, and using a predetermined correspondence table that relates a particular level to the identified data. In addition, it is quite established that the degree of error correction code, i.e., “the quantity of the redundancy data packets” is determined based on the measured error rate of the communication channel to minimize the error rate to an acceptable level.

Driessen et al further describes that not transmitting lower priority data depending on the availability of bandwidth. See col. 10, lines 43-53.

Claim 2 and 10.

Driessen et al discloses that higher rate of redundancy to higher priority frame. See col. 2, lines 4-11. In addition it is well established that “the quantity of the redundancy data packets” is proportional to the error rate of the communication channel.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Driessen et al as applied to claim 3 above.

Claims 4 and 12

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Driessen et al discloses all the subject matter claimed except for a control means that limit the data rate to the maximum passband of the communication channel. However, since a data rate over the maximum data rate the communication channel can handle would cause increased error rate, it would have been obvious to one skilled in the art to provide a control means to limit the data rate to the maximum passband of the communication channel to set the error rate to an acceptable level.

Claims 5 and 13.

Driessen et al discloses the frame generating means (111) delivers a single flow of data.

Allowable Subject Matter

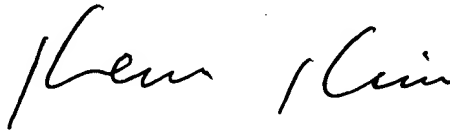
6. Claims 7 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Kevin Kim", is centered on the page.

**KEVIN KIM
PATENT EXAMINER**